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8 STATE WATER RESOURCE CONTROL BOARD  
9 STATE OF CALIFORNIA  
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12 In the Matter of

PETITION No.

13 Bradley Mining Company,

**PETITION FOR REVIEW**

14 Petitioner

15 For Review of Revised Technical  
Reporting Order #R5-2009-0869 of the  
16 California Regional Water Quality  
Control Board, Central Valley Region  
17

18  
19 Pursuant to California Water Code section 13320 and Title 23 of the California  
20 Code of Regulations §§ 2050 *et seq.*, Petitioner Bradley Mining Company ("Petitioner")  
21 hereby petitions the State Water Resources Control Board ("State Board") for review of  
22 Revised Technical Reporting Order #R5-2009-0869 ("Order") adopted by California  
23 Regional Water Quality Control Board, Central Valley Region ("Regional Board") on  
24 December 30, 2009. The Order requires the submittal of certain technical reports for the  
25 Mount Diablo Mercury Mine site located in Contra Costa County, California. The Order  
26 improperly names Petitioner a discharger and omits other relevant parties. Petitioner  
27 requests a hearing on this matter and a stay of the Order pending this appeal.  
28

1 **I. PETITIONER**

2 Petitioner is the Bradley Mining Company and should be contacted through its  
3 legal counsel at the following address:

4 Bradley Mining Company  
5 c/o Jon K. Wactor  
6 WACTOR & WICK LLP  
7 180 Grand Avenue, Suite 950  
8 Oakland CA 94612-3572  
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9 **II. ACTION OF THE REGIONAL BOARD TO BE REVIEWED**

10 Petitioner requests that the State Board review the Order, which requires the  
11 preparation and submittal of technical reports, including *Mining Waste Characterization*  
12 *Work Plan, Mining Waste Characterization Report, and Site Remedial Work Plan,*  
13 improperly identifies Petitioner as a "discharger" with respect to the Site. A copy of the  
14 Order is attached as Exhibit A.

15  
16 **III. DATE OF THE REGIONAL BOARD ACTION**

17 The Regional Board issued the Order on December 30, 2009.  
18

19 **IV. STATEMENT OF REASONS WHY THE REGIONAL BOARD'S ACTION WAS**  
20 **INAPPROPRIATE OR IMPROPER**

21 As set forth more fully below, the Regional Board: (1) failed to circulate the Order  
22 for comment by the relevant parties, (2) improperly named Petitioner as a discharger and  
23 (3) failed to name all potentially responsible parties since it excludes other owners and  
24 operators of the Site that the Regional Board identified, including Victoria Resources  
25 Corp. (now Victoria Gold Corp.), Guadalupe Mining Company, Ronnie B. Smith Trust  
26 (partnership formed by Jene Harper and James Dunnigan), John L. Jonas and John E.  
27 Johnson, Nevada and Scheelite Company, a subsidiary of Kennametal, Inc.<sup>1</sup> Thus, the  
28

<sup>1</sup> Although the Order identified various owners and operators, it was issued to only four parties: Jack

1 Regional Board's action was not supported by the record and was arbitrary, capricious,  
2 and in violation of law and policy.

3 **A. Background**

4 The Order states: The Mount Diablo Mercury Mine is an inactive mercury mine,  
5 located on approximately 109 acres on the northeast slope of Mount Diablo in Contra  
6 Costa County. [¶ 1]. Acid mine drainage containing elevated levels of mercury and  
7 other metals is being discharged to a pond that periodically overflows into Horse and  
8 Dunn Creeks, which drain to the March Creek watershed [¶¶ 1 and 2]. Marsh Creek has  
9 been identified by the Central Valley Water Board as an impaired water body because of  
10 high aqueous concentrations of mercury. [¶ 3]. With regard to Petitioner, the Regional  
11 Board found: "Bradley Mining Company operated the Mine Site from 1936 to 1947,  
12 producing around 10,000 flasks of mercury." [¶ 5]. "During operations Bradley Mining  
13 Company developed underground mine workings, discharged mine waste rock, and  
14 generated and discharged mercury ore tailings." [¶ 5]. These findings are unsupported  
15 by the record.

16 **B. The Regional Board's Action Was Inappropriate and Improper**

17 Based on its "findings," the Order concludes: "The Dischargers are named in this  
18 Order because all have discharged waste at the Mine Site through their actions and/or by  
19 virtue of their ownership of the Mine Site." [Order at p. 3]. This conclusion is  
20 unsupported by the record or the law. [See Section VII – Memorandum of Points and  
21 Authorities below].

22  
23 **V. THE MANNER IN WHICH PETITIONER HAS BEEN AGGRIEVED**

24 Petitioner has been aggrieved by the Regional Board's actions because it will be  
25 subjected to the provisions of an arbitrary and capricious Order unsupported by evidence  
26 in the record. As a result of being named a discharger in connection with the Site,  
27

28 and Carolyn Wessman, the Bradley Mining Company, the U.S. Department of the Interior and Sunoco,  
Inc.

1 Petitioner will be forced to incur significant costs of compliance, to bear a heavier burden  
2 of regulatory oversight and to suffer other serious economic consequences since it lacks  
3 adequate financial resources. Further, by naming Petitioner as a primary discharger and  
4 excluding other parties, the entity or entities which actually caused the contamination  
5 and which has the financial capabilities (and in the case of Sunoco, the present  
6 independent federal legal obligation to do so), will have no incentive to clean up the  
7 contamination, and instead will likely wait and let former owners of the property bear the  
8 cost of cleanup.

9  
10 **VI. STATE BOARD ACTION REQUESTED BY PETITIONER**

11 As discussed above, Petitioner requests that (1) the State Board determine that  
12 the Regional Board's adoption of the Order was arbitrary and capricious or otherwise  
13 inappropriate and improper, and (2) the State Board amend the Order to delete  
14 Petitioner as a named discharger. If the State Board declines to delete Petitioner as a  
15 named discharger, then Petitioner requests that: (1) the State Board designate it as a  
16 secondary liable party rather than a primary liable party with respect to the Site and (2)  
17 the State Board extend the timeline for submittal of technical reports.

18  
19 **VII. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL**  
20 **ISSUES RAISED IN THE PETITION**

21 **A. The Regional Board Fails to Provide Any Connection between**  
22 **the Alleged Contamination and Petitioner.**

23 The Order states that the alleged discharge to a state water is from a "pond" into  
24 Marsh Creek. There are no allegations that the Bradley Mining Company's alleged  
25 operations used, created, or had anything to do with the pond, or that any discharges  
26 from its alleged operations (which the Regional Board admits in the Order ceased over  
27 65 years ago) ever entered or left the pond.

1 In addition, the Regional Board offers no evidence whether the "[a]cid mine  
2 drainage containing elevated levels of mercury and other levels that is being discharged  
3 to a pond that periodically overflows into Horse and Dunn Creeks" [see ¶ 1] was caused  
4 by Bradley Mining or a subsequent mining enterprise. Thus, the Order doesn't provide  
5 the required factual nexus between Petitioner and the alleged contamination to the  
6 Marsh Creek watershed.

7  
8 **B. The Regional Board Provides No Evidence to Support Its Findings.**

9 California Water Code Section 13267 requires that Regional Boards "provide  
10 written explanation with regard to the need for the reports, and *shall identify the*  
11 *evidence that supports requiring that person to provide the reports.*" *Id.*(emphasis  
12 added). The Regional Board failed to include evidence in the Order that establishes a  
13 causal connection between the alleged discharge into or from the pond and Petitioner's  
14 alleged historic operations. Therefore, Petitioner not only challenges the failure of the  
15 Regional Board to include all relevant evidence in the Order, but also challenges the  
16 findings in the Order.

17 Even if Petitioner was to be named in an order, the operative facts and applicable  
18 legal authority support designating it—at most—as secondary dischargers or secondarily  
19 responsible parties. The Order alleges that Bradley Mining Company operated the Mine  
20 Site from 1936 to 1947, produced around 10,000 flasks of mercury, developed  
21 underground mine workings, discharged mine waste rock, and generated and discharged  
22 mercury ore tailings. [Order ¶ 5]. However, the Order lacks any evidence that Bradley  
23 Mining Company's historical operations are the source of the pollution. Notably, the  
24 Order states that the "elevated levels of mercury and other metals *is being discharged,*"  
25 which indicates that the pollution is occurring today, not that it occurred half a century  
26 ago at the time the state alleges that the Bradley Mining Company operated the mine.  
27 [Order ¶ 1](emphasis added). Thus, the alleged operations of Petitioner from 1936 to  
28 1947 are not the sole cause of the pollution, if at all. Indeed, the Order identifies the

1 following owners and operators who operated the Site before and after Petitioner's  
2 alleged operations and who may have caused or contributed to the problem complained  
3 of:

<b>Owners</b>	<b>Timeframe</b>
Victoria Resources Corp. (now Victoria Gold Corp.)	1960-1969
Guadalupe Mining Company	1969 to 1974
Jack and Carolyn Wessman	From 1974 to present
<b>Operators</b>	<b>Timeframe</b>
Bradley Mining Company	From 1936 to 1947
United States Department of Interior, Defense Minerals Exploration Administration by contract with private parties: <ul style="list-style-type: none"><li>▪ Ronnie B. Smith Trust (partnership formed by Jene Harper and James Dunnigan)</li><li>▪ John L. Jonas and John E. Johnson</li></ul>	From 1951 to 1954
Cordero Mining Company	1954 to 1956
Sunoco, Inc. (also identified by EPA as RP via Unilateral Administrative Order for Remedial Action) due to corporate relationship to Cordero Mining Company	1954 to 1956
Nevada Scheelite Company, a subsidiary of Kennametal, Inc.	1956

18 Petitioner submits that if the evidence is sufficient to name Bradley Mining Company, it is  
19 sufficient to name all of them as dischargers. Otherwise, its failure to do so is an  
20 arbitrary and capricious decision unsupported by the record.

21 On November 20, 2008, the Regional Board made a formal request to the USEPA  
22 for federal action for the Site. Moreover, the Regional Board found that "The United  
23 States Environmental Protection Agency (USEPA), Region IX, named Sunoco Inc. a  
24 responsible party for the Mount Diablo Mercury Mine in the Unilateral Administrative  
25 Order for the Performance of a Removal Action, USEPA Docket No. 9-2009-02" pursuant  
26 to the federal investigation. Because Sunoco has already been designated a responsible  
27 party and is legally obligated to conduct the removal action, Petitioner is not  
28

1 appropriately named as a discharger. Thus, the Regional Board's action is also  
2 inconsistent with the USEPA's findings and whatever Sunoco is doing at the Site under  
3 the direction of the USEPA.

4  
5 **C. The Order is Barred by the Statute of Limitations.**

6 The Order naming Bradley Mining Company is time-barred under the statute of  
7 limitations. California Code of Civil Procedure § 338(i) requires that any action by the  
8 Regional under the Porter Cologne Water Quality Control Act, Water Code § 13000 et  
9 seq., be brought within three years of discovery of the facts constituting grounds for  
10 commencing such an action.

11 Here, according to the record, the Regional Board was aware of the alleged  
12 impacts from the mine on the watershed since before 1995. Prior to 1995, the Regional  
13 Board had collected samples indicating the mine was contributing to the mercury loading  
14 of Marsh Creek and its reservoir. (EPA Memorandum Request for Time-Critical Removal  
15 Action, dated December 2, 2008, p. 3, attached as Exhibit C). Thereafter, in 1995, the  
16 county contracted the University of California to conduct an extensive three year study  
17 concluding that the former mine was the largest contributor to the mercury loads in the  
18 Watershed. Id. at 3, 4. Because the Regional Board failed to issue an Order naming  
19 Bradley Mining as a PRP by 1998, the Regional Board's current action naming Bradley  
20 Mining Company is time-barred under CCP § 338(i).

21  
22 **D. The Order Fails to Consider Petitioner's Financial and Technical**  
23 **Resources and Therefore Is Unduly Burdensome.**

24 Lastly, the schedule in the Order for the work required is unduly burdensome. As  
25 previously noted, the Regional Board issued the Order without circulating a draft for  
26 comment by the relevant parties. As a result, Petitioner is being required to undertake  
27 site characterization and technical work and comply with an arbitrary timeline imposed  
28 unilaterally by the Regional Board, even though such work is underway by Sunoco at the

1 direction of the USEPA. Resolution 92-49 directs Regional Boards to determine schedules  
2 for investigation and cleanup considering "the financial and technical resources available  
3 to the dischargers." [Resolution 92-49(iv)(c)].

4       Petitioner is a tiny, privately held corporation with very limited assets. In fact,  
5 Petitioner is currently in litigation with the United States involving other mine sites, which  
6 has usurped Petitioner's financial resources and will exhaust any monies Petitioner has  
7 before site investigation and remediation demanded by the Order even begin. Therefore,  
8 Petitioner requests that it not be designated a responsible party, or alternatively, that the  
9 State Board stay the enforcement of the Order pending resolution of the federal lawsuit,  
10 and this Petition, and that the State Board grant an indefinite extension of time to  
11 comply with the Order's requirements.

12  
13 **VIII. STATEMENT REGARDING SERVICE OF THE PETITION ON THE REGIONAL**  
14 **BOARD**

15       A copy of this Petition is being sent to the Regional Board, to the attention of  
16 Pamela C. Creedon, Executive Officer.

17  
18 **IX. STATEMENT REGARDING ISSUE PRESENTED TO THE REGIONAL BOARD**

19       Petitioner could not raise the substantive issues and objections presented in this  
20 Petition to the regional board before the regional board acted because the Regional  
21 Board did not circulate a draft order for comment and issued the final order unilaterally.

22       By copy of this Petition, which Petitioner forwarded to the Regional Board in a  
23 letter dated January 28, 2010 as Exhibit B, Petitioner presents these substantive issues  
24 and objections to the Regional Board and requests a hearing.

25  
26 **X. CONCLUSION**

27       For all the foregoing reasons, Petitioner respectfully requests that the State Board  
28 review the Order and grant the relief as set forth above.



1           Petitioner further requests a hearing and reserves the right to file a Supplemental  
2 Statement of Points and Authorities, including references to the complete administrative  
3 record, which is not yet available. Petitioner also reserves the right to supplement its  
4 request for a hearing to consider testimony, other evidence and argument.

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6 Dated: February 1, 2010

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WACTOR & WICK LLP

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By: 

JON K. WACTOR

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Attorneys for Petitioner

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Bradley Mining Company

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

REVISED TECHNICAL REPORTING ORDER R5-2009-0869  
CALIFORNIA WATER CODE SECTION 13267  
FOR

**MOUNT DIABLO MERCURY MINE  
CONTRA COSTA COUNTY**

This Order is issued to Jack and Carolyn Wessman; the Bradley Mining Co.; the U.S. Department of Interior; and Sunoco, Inc (hereafter collectively referred to as Dischargers) pursuant to California Water Code section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board) to issue Orders requiring the submittal of technical reports, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Order revises and replaces the previous Order issued on 1 December 2009.

The Assistant Executive Officer finds:

**BACKGROUND**

1. The Mount Diablo Mercury Mine (Mine Site) is an inactive mercury mine, located on approximately 109 acres on the northeast slope of Mount Diablo in Contra Costa County. Acid mine drainage containing elevated levels of mercury and other metals is being discharged to a pond that periodically overflows into Horse and Dunn Creeks. Further investigation is required to assess the extent of pollution discharged from the Mine Site and to evaluate remedial options. The Site Investigation and Remedial Option Evaluation are needed steps that must be taken to restore the impacted waters of the state and to protect public health and the environment.
2. Presently, the Mine Site consists of an exposed open cut and various inaccessible underground shafts, adits, and drifts. Extensive waste rock piles and mine tailings cover the hill slope below the open cut, and several springs and seeps discharge from the tailings-covered area. Three surface impoundments at the base of the tailings capture most spring flow and surface runoff. However, during winter, the ponds routinely spill into Horse and Dunn Creeks, which drain to the Marsh Creek watershed.
3. Section 303(d) of the Federal Clean Water Act requires states to identify waters not attaining water quality standards (referred to as the 303(d) list). Marsh Creek has been identified by the Central Valley Water Board as an impaired water body because of high aqueous concentrations of mercury.

## OWNERSHIP AND OPERATOR HISTORY

4. Jack and Carolyn Wessman have owned the Mine Site from 1974 to the present. The Wessmans have made some improvements to reduce surface water exposure to tailings and waste rock, including the construction of a cap over parts of the tailings/waste rock piles. Although these improvements have been made without an engineering design or approved plan, these improvements may have reduced some of the impacts from the Mine Site. However, discharges that contain elevated mercury levels continue to impact the Mine Site and site vicinity.
5. Bradley Mining Company operated the Mine Site from 1936 to 1947, producing around 10,000 flasks of mercury. During operations Bradley Mining Company developed underground mine workings, discharged mine waste rock, and generated and discharged mercury ore tailings.
6. The U.S. Department of the Interior created the Defense Minerals Exploration Administration (DMEA) out of the Defense Minerals Agency in 1951. The DMEA was created to provide financial assistance to explore for certain strategic and critical minerals. The DMEA contracted with private parties to operate the Mine Site under cost-sharing agreements from 1953 to 1954. The initial cost sharing was with the Ronnie B. Smith Trust, which implemented a partnership formed by Jene Harper and James Dunnigan. Although it is unclear whether the mine was operated under the DMEA contract, the Smith partnership produced approximately 102 flasks of mercury. John L. Jonas and John E. Johnson assumed the DMEA contract in 1954, Jonas and Johnson produced 21 flasks of mercury.
7. The Cordero Mining Company operated the Mine Site from approximately 1954 to 1956, and was responsible for sinking a shaft, driving underground tunnels that connected new areas to pre-existing mine workings, and discharging mine waste. The amount of mercury production from this time period is unknown. The United States Environmental Protection Agency (USEPA), Region IX, named Sunoco Inc. a responsible party for Mount Diablo Mercury Mine in the Unilateral Administrative Order for the Performance of a Removal Action, USEPA Docket No. 9-2009-02, due to its corporate relationship to the Cordero Mining Company.
8. Nevada Scheelite Company, a subsidiary of Kennametal Inc., operated at the Mount Diablo Mercury Mine in 1956. The extent of operations and the amount of production for this period is unknown. However, discharges have occurred from runoff from the mine waste piles and likely springs associated with the mine working.
9. Victoria Resources Corp., now Victoria Gold Corp., owned the Mount Diablo site from 1960 to 1969. The extent of operations and the amount of production for this period is unknown. However, discharges have occurred from runoff from the mine waste piles and likely springs associated with the mine working.

10. The Guadalupe Mining Company owned the Mine site from 1969 to 1974. The extent of operations and amount of production for this period is unknown. However, discharges have occurred from runoff from the mine waste piles and likely springs associated with the mine working.

### LEGAL PROVISIONS

11. The Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4<sup>th</sup> Edition* (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The designated beneficial uses of Marsh Creek, which flows into Sacramento and San Joaquin Delta are domestic, municipal, industrial and agricultural supply.

12. CWC section 13267 states, in part:

(b)(1) In conducting an investigation, the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

As described in Findings Nos. 4 – 7, the Dischargers are named in this Order because all have discharged waste at the Mine Site through their actions and/or by virtue of their ownership of the Mine Site. The reports required herein are necessary to formulate a plan to remediate the wastes at the Mine Site, to assure protection of waters of the state, and to protect public health and the environment.

13. CWC section 13268 states, in part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be

civily liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

As described above, failure to submit the required reports to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Administrative civil liability of up to \$5,000 per violation per day may be imposed for non-compliance with the directives contained herein.

**IT IS HEREBY ORDERED** that, pursuant to California Water Code section 13267, the Dischargers shall submit the following technical reports:

1. **By 1 April 2010**, submit a *Mining Waste Characterization Work Plan* (hereafter *Characterization Plan*) for the Mine Site. The Characterization Plan shall be a plan to assess both the nature and extent of mining waste at the Mine Site, and the potential threat that this mining waste poses to water quality and/or human health. The Characterization Plan shall describe the methods that will be used to establish background levels for soil, surface water, and ground water at the site, and the means and methods for determining the vertical and lateral extent of the mining waste.

The Characterization Plan shall also address slope stability of the Mine Site, and shall assess the need for slope design and slope stability measures to minimize the transport of mining waste-laden soils to surface water and ephemeral streams.

2. **By 1 September 2010**, submit a *Mining Waste Characterization Report* (hereafter *Characterization Report*), characterizing the data gathered pursuant to the investigation described in the Characterization Plan. The Characterization Report shall include:
  - a. A narrative summary of the field investigation;
  - b. A section describing background soil concentrations, mining waste concentrations, and the vertical and lateral extent of the mining waste;
  - c. Surface water and ground water sampling results;
  - d. A section describing slope stability and erosion potential and recommendations for slope stabilization;
  - e. An evaluation of risks to human health from site conditions, and;
  - f. A work plan for additional investigation, if needed, as determined by Board staff. If no additional investigation is needed, this report shall be the Final Characterization Report.

3. Within **90 days** of staff concurrence with the Characterization Report, submit a *Site Remediation Work Plan* (hereafter *Remediation Plan*) for the site. The Remediation Plan shall describe remediation activities to clean up or remediate the mining waste either to background concentrations, or to the lowest level that is technically and economically achievable. The Remediation Plan shall also address long-term maintenance and monitoring necessary to confirm and preserve the long-term effectiveness of the remedies. The potential remediation activities shall comply with all applicable WQOs in the Basin Plan. The Remediation Plan shall also include:
  - a. An evaluation of water quality risk assessment:
  - b. A human health risk assessment:
  - c. A time schedule to conduct the remediation activities.

### REPORTING

4. When reporting the data, the Dischargers shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order.
5. Fourteen days prior to conducting any fieldwork, submit a Health and Safety Plan that is adequate to ensure worker and public safety during the field activities in accordance with California Code of Regulations, title 8, section 5192.
6. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.
7. All reports must be submitted to the Central Valley Water Board. Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Board's web site.
8. Notify Central Valley Water Board staff at least five working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is effective upon the date of signature.

Order by:

Original signed by

KENNETH LANDAU Assistant Executive Officer

30 December 2009

(Date)